

Message Text

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C O N F I D E N T I A L KINGSTON 1041

E.O. 11652: GDS
TAGS: PINT, PGOV, JM
SUBJECT: CONSTITUTIONAL REFORM ON BACK BURNER

REF: KINGSTON'S A-62 OF AUGUST 6, 1977

1. MINISTER OF JUSTICE CARL RATTRAY ANNOUNCED AT A PRESS CONFERENCE ON FEBRUARY 10 THAT THE GOVERNMENT HAS DECIDED TO EXTEND THE PERIOD FOR DISCUSSION OF A NEW CONSTITUTION FROM THE ORIGINALLY-PLANNED ONE AND ONE-HALF YEARS TO, AT THE OUTSIDE, FOUR YEARS (I.E., FROM EARLY 1979 TO, POSSIBLY, EARLY 1982). THE MINISTER SAID THAT THE PROGRAM OF "PUBLIC EDUCATION" INTENDED TO PREPARE THE COUNTRY FOR REFORM HAD REVEALED THAT JAMAICIANS UNDERSTAND LITTLE ABOUT THE PRESENT CONSTITUTION AND THUS MORE TIME IS REQUIRED FOR THEM "TO BE MEANINGFULLY INVOLVED IN REVIEWING" ITS STRENGTHS AND WEAKNESSES. ONLY THEN WILL THE PLANNED REFERENDUM BE HELD.

2. COMMENT: THE MINISTER'S STATEMENT IS, AT BEST, DISINGENUOUS. THE "PUBLIC EDUCATION" PROGRAM HAS AROUSED LITTLE INTEREST, AND STANDS IN SHARP CONTRAST
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TO THE MEETING LAST JULY 7 AT MORANT BAY WHEN PRIME MINISTER MICHAEL MANLEY INAUGURATED THE CONSTITUTIONAL REFORM PROGRAM (SEE REFAIRGRAM). MOREOVER, AT THE MEETINGS WHICH HAVE BEEN HELD, SPOKESMEN EXPLAINING THE NEED FOR REFORM HAVE REPORTEDLY MET RATHER SHARPER QUESTIONS FROM INTERESTED JAMAICANS THAN EXPECTED. FOR EXAMPLE, AT ONE MEETING ONE JAMAICAN

COUNTRYMAN, APPARENTLY PROBING PRO-REFORM HYPERBOLE, REPORTEDLY NOTED THAT THE ADVOCATES OF REFORM STRESS THAT JAMAICA'S PRESENT CONSTITUTION DEPRIVES HIM OF WORK, SHELTER AND LAND, AND THEN ASKED FOR A VERY SPECIFIC EXPLANATION OF THE WAY IN WHICH THESE COULD BE GUARANTEED BY THE NEW CONSTITUTION. THE STORY MAY BE APOCRYPHAL, BUT IT IS REPEATED.

3. A MORE PERSUASIVE REASON FOR DELAYING MOVES TOWARDS CONSTITUTIONAL REFORM MAY LIE IN RECENT INDICATIONS OF THE BASIC CONSERVATISM OF JAMAICANS (E.G., SEE KINGSTON 0706). GIVEN THE COMPOSITION OF THE SENATE, THERE IS NO LIKELIHOOD THAT A FUNDAMENTAL RESTRUCTURING OF THE CONSTITUTION CAN BE LEGISLATED BY PARLIAMENT. RATHER, ADOPTION OF A NEW CONSTITUTION WILL NECESSARILY INVOLVE A REFERENDUM. THE GOVERNMENT HAD, IN ITS JULY 1977 PROGRAM, INCORPORATED THE IDEA OF OFFERING ITS NEW CONSTITUTION TO THE JAMAICAN PEOPLE BY REFERENDUM. HOWEVER, GIVEN THE CONSERVATIVE BENT NOW EVIDENT, THERE IS SOUND REASON TO CONCLUDE THAT SUCH A REFERENDUM, IF HELD IN A YEAR'S TIME, WOULD BE DEFEATED, GIVEN THE GOVERNMENT'S FALTERING PERFORMANCE. MOREOVER, SUCH A DEFEAT WOULD BE VIEWED AS A "VOTE OF NO CONFIDENCE". THIS THE GOVERNMENT HAS LITTLE DANGER OF FACING IN PARLIAMENT, AND NEED NOT FACE FROM THE ELECTORATE BEFORE
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DECEMBER 1981, BY WHICH TIME NEW PARLIAMENTARY ELECTIONS ARE REQUIRED. BY MOVING THE REFERENDUM BACK AS FAR AS FOUR YEARS, THE RULING PEOPLE'S NATIONAL PARTY CAN TEST ITS STRENGTH AT THE POLLS-- AND EVEN USE CONSTITUTIONAL REFORM AS AN ISSUE-- BEFORE IT HAS TO RUN THE RISKS WHICH PRESENTLY SEEM SO EVIDENT IN AN EARLY REFERENDUM.
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